

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION

CRIMINAL CASE NO. 1:11cr10

UNITED STATES OF AMERICA,)
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)
)
vs.) O R D E R
)
)
)
JAMES W. "BILL" BAILEY, JR.)
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)

THIS MATTER is before the Court on the Claim for Return of Seized Property, filed by David E. Gable and others on February 18, 2011. [Doc. 17].

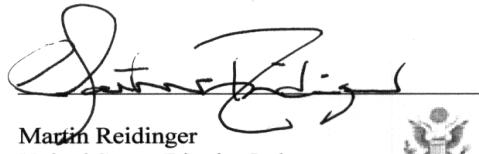
A petition filed by a third party claiming interest in property which has been ordered forfeited to the United States must "be signed by the petitioner under penalty of perjury." 21 U.S.C. § 853(n)(3). "A claimant who fails to file a verified statement has no standing to contest a forfeiture."

United States v. Loria, No. 3:08cr233-2, 2009 WL 3103771, at *2 (W.D.N.C. Sep. 21, 2009) (quoting United States v. \$487,825,000 in U.S. Currency, 484 F.3d 662, 664-65 (3d Cir. 2007)). The Claim filed in the instant case is not verified by any of the alleged claimants and therefore must be dismissed.

Accordingly, **IT IS, THEREFORE, ORDERED** that the Claim for
Return of Seized Property [Doc. 17] is **DISMISSED WITHOUT
PREJUDICE.**

IT IS SO ORDERED.

Signed: February 28, 2011



Handwritten signature of Martin Reidinger in black ink, appearing to read "Martin Reidinger".

Martin Reidinger
United States District Judge

